

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAIME GLEICHER,

Plaintiff,

v.

ROGER S. HABER,

Defendant.

No. 22 Civ. _____

**COMPLAINT AND DEMAND
FOR A JURY TRIAL**

Plaintiff Jaime Gleicher, by and through her undersigned counsel, for her complaint against Defendant Roger S. Haber, alleges, upon personal knowledge and information and belief, as follows:

INTRODUCTION

1. Plaintiff Jaime Gleicher was once an outgoing, creative, and ambitious teenager. Eager to excel as a writer, she attended high school at the Professional Children's School geared towards child actors and other kids with artistic talent in Manhattan. But while a freshman at Barnard College, with her entire adult life ahead of her, one encounter with Defendant Roger Haber changed her life forever.

2. On the evening of May 24, 2004, Ms. Gleicher met Mr. Haber, an entertainment lawyer, who immediately started talking about helping her to make connections within the entertainment industry, implying that he would assist her in launching a career in "the business."

3. Together with her friend and her friend's boyfriend (who was then Mr. Haber's client), Ms. Gleicher went to Mr. Haber's Tribeca apartment to continue socializing after meeting him at a popular nightclub. At his apartment, Mr. Haber supplied Ms. Gleicher and her friends with cocaine, which he used as well.

4. After her friend briefly stepped out to say goodbye to her boyfriend who was leaving for the airport, Mr. Haber began flirting more aggressively with Ms. Gleicher (who was a virgin at the time) and ultimately led her to his bedroom. There, Mr. Haber sexually assaulted her, despite her begging Mr. Haber to stop. She attempted to push Mr. Haber off of her—but he was bigger, stronger, and her attempts proved futile. When Ms. Gleicher ultimately freed herself from Mr. Haber’s grasp, she ran away in fear, shock, and shame, and locked herself in his bathroom.

5. When she eventually opened the bathroom door to try and escape, Mr. Haber refused to let her go, blocking the exit with his two arms, threatening Ms. Gleicher that she could not leave until she “finished him off.” Mr. Haber then forced Ms. Gleicher to her knees and shoved his penis in her mouth.

6. When Ms. Gleicher was finally able to break free, she rushed home and immediately told her mother what had happened. After calling her primary care doctor, her mother took Ms. Gleicher to the nearest emergency room where she was admitted for “sexual assault,” received a rape kit examination, and was prescribed prophylactic medications to prevent pregnancy, HIV, and STIs.

7. Sadly, the trauma from that rape almost two decades ago has never gone away. Ms. Gleicher has spent the last 18 years trying to come to terms with what happened to her that night. In the aftermath of the rape, Ms. Gleicher has suffered extreme emotional distress, including extensive symptoms of trauma, suicidal ideation, and repeated stays at mental health care facilities. She has further struggled with being able to sustain romantic relationships and physical intimacy. In other words, what Mr. Haber did to Ms. Gleicher that night not only remains with her to this day, but has fundamentally impaired nearly every aspect of her life.

8. Ms. Gleicher now brings this case in order to seek some modicum of justice from the person responsible.

THE PARTIES

9. Plaintiff Jaime Gleicher is a citizen and resident of New York, New York. At the time of the sexual assault at issue, Ms. Gleicher was living in Manhattan. As a result of the rape, Ms. Gleicher had to take multiple periods of time off, but ultimately graduated from Barnard College in 2011 with a B.A. in English. Ms. Gleicher later received a Master of Social Work degree from the New York University Silver School of Social Work in 2013. She currently works as a licensed social worker and therapist.

10. Defendant Roger Haber is currently a citizen and resident of Los Angeles County, California. In his profile on LinkedIn, Mr. Haber describes himself as an “Experienced Business Owner Business Manager and Attorney and Lawyer with a history of working in the music, Management, business law, entertainment, advertising, non-profit and government industries.” At the time of the violent sexual assault underlying this action, Mr. Haber was living in Manhattan.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over Ms. Gleicher’s claims pursuant to 28 U.S.C. § 1332(a)(1) because the parties are diverse and the amount in controversy exceeds \$75,000.

12. This Court has personal jurisdiction over Defendant and Venue is proper under 28 U.S.C. § 1391(b)(2) because Ms. Gleicher is located and resides in this judicial district, and because a substantial part of the events giving rise to the claims for relief occurred in this judicial district. N.Y. C.P.L.R. § 302(a)(2).

FACTUAL ALLEGATIONS

Ms. Gleicher's Once Promising Future

13. Ms. Gleicher grew up in New York City and attended high school at the Professional Children's School in Manhattan.

14. At school, Ms. Gleicher excelled academically and was determined to pursue a career as a professional writer. In high school, she was the student body president and maintained an active social life.

15. At 17, during her senior year of high school, Ms. Gleicher wrote the initial drafts of a young adult novel that she ultimately hoped to publish. A summary of the novel ended up in the hands of MTV, the cable television channel, and upon reading her work, MTV decided to turn the novel into a non-scripted reality TV show.

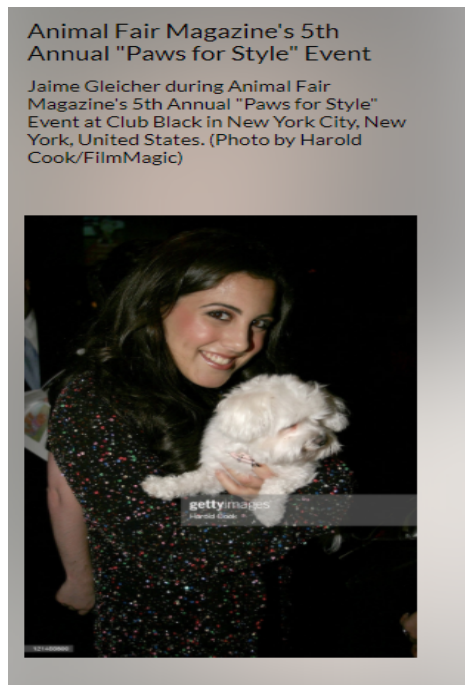
16. In a whirlwind of activity, MTV signed Ms. Gleicher on as a producer for the show entitled *Rich Girls*, although Ms. Gleicher vehemently opposed MTV's choice for the name of the show. *Rich Girls* was one of the first reality shows of the early 2000s, bursting onto the scene in the wake of hugely successful programs like *The Osbournes* and *The Real World*.

17. *Rich Girls* followed the lives of Ms. Gleicher and her best friend at the time, Ally Hilfiger, through the last semester of their senior year of high school and the beginning of Ms. Gleicher's freshman year at Barnard. The show was filmed mostly in New York City in 2003 and ultimately ran for one 10-episode season on MTV in late 2003 when Ms. Gleicher was already in college. The show documented major events in Ms. Gleicher's life, such as attending prom, her summer before college, and moving into her freshman dorm at Barnard. As the filming of the show was wrapping up, Ms. Gleicher started her freshman year at Barnard College.

The Sexual Assault

18. As a result of her role in the show *Rich Girls*, Ms. Gleicher was frequently recognized and regularly appeared in public, attending high-profile social events in Manhattan in the company of celebrities. Because Ms. Gleicher was hoping to build a career as a producer and writer in the entertainment industry at the time, networking at such social events was important to her future career opportunities.

19. In the spring of 2004, when Ms. Gleicher was 19 years old and still a freshman at Barnard, she was invited to and walked in the charity fashion show called “Paws for Style” sponsored by *Animal Fair* magazine to take place on May 24. A photograph from Getty Images evidencing her attendance at that event is below:



20. Following the “Paws for Style” event, Ms. Gleicher attended a party at Butter, a downtown restaurant and nightclub with her friend and her friend’s boyfriend at the time.

21. At Butter, she met Mr. Haber, who was then a prominent entertainment lawyer who represented some of Ms. Gleicher’s friends in the industry. Through these connections, Ms.

Gleicher was already aware of Mr. Haber by reputation, although Ms. Gleicher does not recall ever meeting Mr. Haber prior to that night.

22. That evening, Mr. Haber and Ms. Gleicher discussed Ms. Gleicher's future in the entertainment industry, and Mr. Haber suggested to Ms. Gleicher that she had real potential to "make it" in "the business." While Ms. Gleicher had a couple drinks at Butter, she was not a heavy drinker at that time because she was very concerned about controlling her weight given her many public appearances and her time on camera.

23. While at Butter, Mr. Haber invited Ms. Gleicher and her friends back to his Tribeca apartment. Ms. Gleicher decided to go, in large part because she believed that socializing with Mr. Haber would be good for her career. (Ms. Gleicher's assumptions were not unfounded. In 2003, Mr. Haber spoke on a panel about promotion of horse racing and noted that he had "taken many of the cast members from HBO's hit television series 'The Sopranos'" to the Kentucky Derby. *See* Steve Bailey, *Panel: Promoting racing's human stars key to luring new fans*, TB TIMES (Oct. 12, 2003), <http://blueblood.dk/Artikler/promoting-racings-human-stars.php>.) Ms. Gleicher also knew that her friend and her friend's boyfriend had been staying at Mr. Haber's apartment and so assumed that it would be a safe place to go.

24. When she arrived, Ms. Gleicher noticed that Mr. Haber's apartment walls and bookshelves were lined with photos of what looked like family members, including many photos of people who she assumed to be his children. Ms. Gleicher was probably correct in this assumption: Mr. Haber's Twitter profile describes him as a "New Yorker living in LA Married to the greatest woman ever. Proud dad of all my 5 kids." *See* Roger Haber (@rhaber), TWITTER (last visited Nov. 27, 2022), <https://twitter.com/rhaber>.

25. After they arrived, Mr. Haber offered Ms. Gleicher and his guests cocaine, which they consumed in the kitchen together with Mr. Haber. Ms. Gleicher felt pressure to participate and consumed a small amount of cocaine herself, in large part because she perceived that Mr. Haber could wield enormous influence over her career.

26. Not long afterwards, her friend escorted her boyfriend downstairs to catch a cab to the airport to return to Los Angeles, where he was living at the time. Ms. Gleicher's friend was temporarily staying at Mr. Haber's apartment during her visit to New York and therefore Ms. Gleicher assumed she would return shortly. As a result, Ms. Gleicher and Mr. Haber were left alone in his apartment. Ms. Gleicher and Mr. Haber then moved from the kitchen area to the living room couch and resumed discussing her career.

27. At a certain point in the living room, Mr. Haber's tone became increasingly flirtatious. When they first entered his apartment, given the prominently displayed photos of children, Ms. Gleicher (naively) assumed that Mr. Haber would not try to have sex with her. But as the evening wore on, Ms. Gleicher felt that she had no choice but to reciprocate Mr. Haber's advances and agree to kiss him, given her perception that he could ruin her career if she declined.

28. Mr. Haber asked Ms. Gleicher to remove her shirt, and she obliged; however, because she was self-conscious, Ms. Gleicher asked Mr. Haber if she could have a blanket to cover herself because she felt exposed. Mr. Haber responded by saying that there was a blanket in his bedroom. Ms. Gleicher was so desperate to cover herself that she accompanied Mr. Haber to his bedroom. Prior to going into Mr. Haber's bedroom, Ms. Gleicher explicitly stated, "I am not going to have sex with you," and Mr. Haber agreed.

29. At the time, Ms. Gleicher had never had sexual intercourse. As discussed on national television in *Rich Girls*, in an episode concerning Ms. Gleicher's prom night, Ms. Gleicher

was waiting to have sexual intercourse for the first time with someone with whom she was in a serious romantic relationship.¹

30. As a result, even though she went into Mr. Haber's bedroom, Ms. Gleicher repeated to Mr. Haber that she would not have sex with him. After they got into Mr. Haber's bed they continued to kiss briefly.

31. Given how late it was, and because Ms. Gleicher had explicitly told Mr. Haber that she would not have sex with him multiple times, Ms. Gleicher believed that she could safely fall asleep in Mr. Haber's bed, thereby ending their physical interaction. Ms. Gleicher also felt safe knowing that her friend would very likely return to the apartment for the night.

32. Ms. Gleicher fell asleep, but soon after awoke to find Mr. Haber physically on top of her. Ms. Gleicher immediately felt pressure inside her vagina. She quickly realized this was not Mr. Haber's hand, but rather his penis, and panicked as she grasped for the first time that Mr. Haber had just forcefully penetrated her vagina with his penis without her consent.

33. Ms. Gleicher immediately started begging Mr. Haber to stop, explaining that she did not want to have sexual intercourse with him. Mr. Haber, however, continued to rape Ms. Gleicher, completely ignoring her pleas for him to stop.

34. Ms. Gleicher was further terrified by her awareness that Mr. Haber was not wearing a condom, as she was not on birth control nor did she have any idea whether he was a carrier for a sexually transmitted disease.

¹ See *Rich Girls- 1.1 - Prom*, YOUTUBE (Aug. 4, 2007), <https://youtu.be/Sey6j-0ZsOo?t=37> ("I organized this whole prom and on the inside I was really really nervous because I'm still a virgin . . ."); see also *Rich Girls- 1.6 - Prom*, YOUTUBE (Aug. 4, 2007), <https://www.youtube.com/watch?v=cIIVMCLIHAA> (Ms. Gleicher's prom date states, "I'm not feeling so hot, so I gotta go." Ms. Gleicher later says, "I lost my prom date," to which her co-star responds "but you didn't lose your dignity.").

35. Ms. Gleicher tried to push Mr. Haber off her in order to extricate herself from under him, but he continued to push down on her forcefully, placing all of his significant body weight on top of hers. Given the differences in their body sizes, Ms. Gleicher had an extremely difficult time moving herself out from underneath him.

36. At some point in this struggle, and before Mr. Haber had ejaculated, Ms. Gleicher somehow managed to extricate herself. Ms. Gleicher ran completely naked into Mr. Haber's bathroom, locking herself inside.

37. While in the bathroom, Ms. Gleicher grabbed a towel and wrapped it around herself. She began to panic, thinking, "oh my god, I was just raped." While she was in the bathroom, in a state of shock, trying to pull herself together and plan her escape, Mr. Haber further terrified her by banging loudly on the bathroom door and screaming for her to come out. Ms. Gleicher realized that she needed to leave Mr. Haber's apartment as soon as possible but was petrified: she believed that Mr. Haber might hurt her, or even possibly kill her, on the way out.

38. In an effort to leave the apartment as quickly as possible, Ms. Gleicher ultimately opened the bathroom door, only to find Mr. Haber standing there, completely naked, with both of his arms up, holding either side of the wall, thereby physically blocking Ms. Gleicher from exiting.

39. Mr. Haber, presumably referring to the fact that he had not had an orgasm, then said to Ms. Gleicher, "you don't get to leave until you finish me off." Ms. Gleicher, terrified for her safety and hoping to leave immediately, tried to push through Mr. Haber, but Mr. Haber, again using his relative size and strength, forced her down to her knees and pushed his penis into her mouth. Mr. Haber then forced Ms. Gleicher to perform oral sex on him.

40. After Mr. Haber ejaculated, Ms. Gleicher quickly got dressed, grabbed her belongings, and ran out of his apartment onto the street as fast as she could.

41. In her rush to exit the apartment building, Ms. Gleicher recalls thinking at the time that the doorman of Mr. Haber's building must have thought she was a "crazy woman" because she had run onto the street looking so disheveled.

42. After stopping at a bodega in Tribeca to get cigarettes to calm her nerves, Ms. Gleicher hailed a taxi. In the taxi, she broke down crying as she processed that she had lost her virginity by being raped. Ms. Gleicher was also panicked about whether, given the fact that Mr. Haber neglected to use a condom, she could be pregnant or have contracted HIV or another sexually transmitted disease.

43. When she got back to her mother's apartment on the Upper West Side, she went into her mother's bedroom crying: "I was raped, I was raped." Since this is obviously something that no mother ever wants to hear her daughter say, both Ms. Gleicher and her mother were in great distress and extremely upset. Ms. Gleicher then called two friends who knew and were affiliated with Mr. Haber and told them that Mr. Haber had raped her.

The Emergency Room

44. As soon as Ms. Gleicher had told her mother about the rape, her mother called Ms. Gleicher's primary care physician. Her psychiatrist's medical records corroborate that, containing a note from May of 2004 which states: "Jaime had called her [primary care doctor] for medical, f/u to a rape." Ms. Gleicher's primary care doctor instructed them to go to an emergency room.

45. Early in the morning on May 25, 2004, Ms. Gleicher and her mother went to the walk-in emergency room of Mount Sinai West (then referred to as Roosevelt).

46. The hospital staff rushed Ms. Gleicher into an exam room and completed a full intake, including performing a pelvic exam, collecting DNA evidence, and sampling the underwear Ms. Gleicher wore during the rape. The medical notes from the emergency room indicate that a "SAFE [Sexual Assault Forensic Examiner] protocol" was initiated. Doctors in the hospital also

prescribed Ms. Gleicher an HIV post-exposure prophylaxis. Ms. Gleicher recalls the medical staff noting redness and tenderness in her vaginal area.

47. Ms. Gleicher's psychiatrist's medical notes from the time explained that Ms. Gleicher went to the: "ER @ Roosevelt and had full W/U for rape—legal evidence, Plan B, prophylaxis x3 mo. For HIV...forced intercourse was unprotected." The notes continue as follows:

Jaime describes going to a party where she drank and used cocaine 'fed to her by this man who was in his 40's and a big entertainment lawyer.' She felt out of control . . . [she was] awoken to him on top of her—she asked him to get off and he did not . . . she again asked him to stop, and she was able to get free and run to the bathroom. There she stayed and prepared to leave. Open the bathroom door and he was standing there and said 'you can't leave until I come' and forced her to perform oral sex on him. She then ran out and home . . . she has never had sexual intercourse before this episode.

48. Apparently, Ms. Gleicher had left an earring in Mr. Haber's apartment in her desperate rush to leave. She received a message the next day from her friend telling Ms. Gleicher that she had left an earring at the apartment. Ms. Gleicher never returned that message. Indeed, after that night, Ms. Gleicher decided not to speak to her friend for years because she didn't want to have any associations with anyone who had been present that night.

49. After getting back from the emergency room, Ms. Gleicher also received an obviously strange voicemail from Mr. Haber purporting to "check in" on Ms. Gleicher and feigning concern, after she had run out of his apartment. Ms. Gleicher never returned Mr. Haber's call, never tried to retrieve her missed earring, and has not spoken to him since the rape.

50. Ultimately, Ms. Gleicher elected not to engage law enforcement either. She was terrified that she would forever be identified and shamed as a victim of rape and that her writing career would be ruined as a result. She was worried that Mr. Haber would say that she had led him on and ultimately consented, pointing to the cocaine he used with her, her friend, and her friend's

boyfriend that night. She also understood that Mr. Haber wielded significant influence in the entertainment industry that she was hoping to enter and thus chose the path of silence for many years.

51. Indeed, sexual assault is one of the most underreported crimes. According to a 2018 Department of Justice (“DOJ”) Report, almost 80 percent of rapes and sexual assaults went unreported following an analysis of violent crime in 2016.² Survivors of sexual violence provide several common reasons for failing to report these crimes. One DOJ Report explains that 20 percent of survivors who did not report rape or sexual assault crimes between 2005-10 worried about retaliation, not just from the perpetrator, but from society at large.³ Thirteen percent said they thought the police would not do anything to help.⁴ Further, sexual assault survivors often struggle with a wide range of emotions that make coming forward at the time difficult, including “fear of revictimization, distortion of allegations, and generally not being believed.”⁵

Ms. Gleicher Processed the Rape Through Writing

52. Since the rape, Ms. Gleicher has never equivocated in describing the violent sexual assault committed by Mr. Haber as rape. Indeed, there is a wealth of corroborative evidence to support her account.

² Rachel E. Morgan & Grace Kena, *Criminal Victimization, 2016: Revised*, U.S. DEP’T OF JUST. 7 (2018), <https://bjs.ojp.gov/content/pub/pdf/cv16.pdf>.

³ Christopher Krebs et al., *Female Victims of Sexual Violence, 1994-2010*, U.S. DEP’T OF JUST. 6 (2013), <https://bjs.ojp.gov/content/pub/pdf/fvsv9410.pdf>; *see also* Cameron Kimble & Inimai Chettiar, *Sexual Assault Remains Dramatically Underreported*, BRENNAN CTR. FOR JUST. (Oct. 4, 2018), <https://www.brennancenter.org/our-work/analysis-opinion/sexual-assault-remains-dramatically-underreported>.

⁴ Krebs et al., *supra* note 3, at 7.

⁵ Kimble & Chettiar, *supra* note 3.

53. Ms. Gleicher, for example, dedicated a portion of her senior thesis at Barnard to the topic, writing a fictional story based on the event entitled “Such is Life: A Collection of Short Stories about Life, Death, and the In-Between.” While drafting the thesis, Ms. Gleicher discussed the rape in detail with her thesis advisor at Barnard, and explained to her that she had “to write about this” because it so fundamentally shaped and altered her identity and life.

54. During multiple writing workshops from 2011 to 2018, Ms. Gleicher wrote about the rape. In response to the prompt of “something that could have happened that didn’t,” Ms. Gleicher wrote the following:

I could have prosecuted. I could have said yes to the emergency room nurse, social worker, whoever was there. Did I speak to the police? Did I have to? There was such a protocol, such order of things, of the examination, in the disorder of my being. I could have said yes, when they asked me. I could have not surprised my mother and everyone in that room by saying no. I could have destroyed him, just as he destroyed me.

I could have been heard. I could have been unheard. I could have been believed. I could have been called a liar. I could have dealt with any of these things as they came, whatever they were, but I was too young, uneducated, not yet a woman, and I didn’t know. I simply didn’t know.

I could have gotten pregnant. There was no protection. I could have not had the instinct to try to push him off. He could have come inside me, rather than facing me in the doorway to quote on quote: “finish him off.” I could have gotten pregnant had they not given me pills in the ER that raped my stomach and left me on the toilet, on the bathroom floor, in pain, doubled over, all night long.

I could have gotten HIV, if I hadn’t been given a prophylaxis, the drugs my mother observed “made me gray.” I always assumed she meant the color of my skin tone. I know now she perhaps meant the whole of who I was, color gone, would never be as vibrant after that night.

I could be dead. He could have killed me. That's dramatic, I know, but he must have thought there was a chance of me telling. He knew when I trapped myself in the bathroom, after screaming No, after running off the bed, that I was terrified, that I considered this non-consensual. Yet, men were not scared back then. Women weren't that loud.

Ms. Gleicher's Injury and Loss

55. The rape completely and dramatically transformed Ms. Gleicher's life, causing her an extraordinary degree of psychological pain and suffering.

56. Because the rape exacerbated Ms. Gleicher's self-image and body issues, she sought treatment for various eating disorders, including bulimia nervosa. To further cope with her trauma, Ms. Gleicher developed a dependency on cocaine after the rape.

57. Ms. Gleicher has had to go to multiple in-patient rehabilitation programs for months at a time to cope with drug dependency issues, eating disorders, and depression, costing her and her family significant amounts for treatment. In 2005, Ms. Gleicher was admitted as an inpatient to Silver Hill, the Payne Whitney Psychiatric Facility and the Caron Foundation. More recently, she was re-admitted to Silver Hill for over a month.

58. At many of these residential treatment programs, Ms. Gleicher had to request private rooms because the rape caused her to be petrified to share a room with anyone else. During her rehabilitation stay in 2005, the program put her in a locked bedroom in order to help Ms. Gleicher feel safer. Ms. Gleicher recalls telling the staff that she needed to switch rooms because a man staying near her reminded her so much of Mr. Haber that she had severe anxiety in his proximity.

59. In addition to her eating disorders and addiction issues, Ms. Gleicher struggles to this day with severe trauma. She has been diagnosed with post-traumatic stress disorder, depression, and anxiety and has had to seek multiple forms of expensive in-patient and outpatient

treatment to cope with these diagnoses, including the use of regular ketamine infusions in order to cope with her depression and anxiety.

60. Ms. Gleicher has required emergency medical intervention on numerous occasions because of suicidal ideation related to the sexual assault. She has also committed numerous acts of self-mutilation in an effort not to look desirable to any potential rapist—so much so that, at one point, she cut herself all over her body so badly that she looked as though she was, in her own words, “mauled by a tiger.”

61. Not surprisingly, the trauma of the rape and its effects have also impacted Ms. Gleicher’s personal life. Ms. Gleicher has extreme difficulty beginning and maintaining intimate relationships due to her ever-present fear of sexual violence.

62. These mental health issues have obviously taken an enormous toll on Ms. Gleicher’s professional life, resulting in the need to take numerous medical leaves and time off to care for herself. Ms. Gleicher’s treatment has cost her advancement in her career, her reputation, and income.

63. After years of intensive medical and psychological interventions, Ms. Gleicher decided that it was time for her to come forward about what Mr. Haber did to her that night in order to seek justice. The courage of other survivors who have come forward against powerful men in the entertainment industry like Harvey Weinstein in recent years has given Ms. Gleicher the strength to finally be able to tell her own story. And the recent passage in New York of the Adult Survivors Act (N.Y. C.P.L.R. § 214-j), which created a one-year lookback for survivors of sexual assault regardless of prior statute of limitations, made this lawsuit possible.

CAUSES OF ACTION

FIRST CAUSE OF ACTION: BATTERY

64. Ms. Gleicher incorporates by reference all preceding paragraphs and re-alleges them as if set forth fully herein.

65. Mr. Haber intentionally committed battery against Ms. Gleicher when he forcibly raped and groped her.

66. Mr. Haber intentionally, and without her consent, attacked Ms. Gleicher to satisfy his own sexual desires. Mr. Haber's physical contact with Ms. Gleicher was offensive and wrongful in all circumstances. Mr. Haber continued to attack and rape Mr. Gleicher despite her verbal demands to stop and attempts to fight against him.

67. Mr. Haber's criminal conduct was the direct and proximate cause of Ms. Gleicher's past and future substantial damages, including significant pain and suffering, lasting psychological and pecuniary harms, extreme emotional distress, loss of dignity and self-esteem, and invasion of privacy.

68. Mr. Haber's actions constitute sexual offenses as defined in Article 130 of the New York Penal Law, including but not limited to rape in the first degree (§ 130.35), rape in the third degree (§ 130.25), sexual abuse in the first degree (§ 130.65), sexual abuse in the third degree (§ 130.55), sexual misconduct (§ 130.20), and forcible touching (§ 130.52).

69. Ms. Gleicher's claim for battery is timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j.

SECOND CAUSE OF ACTION: FALSE IMPRISONMENT

70. Ms. Gleicher incorporates by reference all preceding paragraphs and re-alleges them as if set forth fully herein.

71. As a direct result of these allegations as stated, Mr. Haber falsely imprisoned Ms. Gleicher when he confined her in his bedroom and bathroom, then told her he would not allow her to leave for the purpose of degrading her, abusing her, or gratifying his sexual desires.

72. Mr. Haber intentionally, and without Ms. Gleicher's consent, confined her so that she could not escape his sexual assault. Ms. Gleicher was conscious of her confinement immediately when Mr. Haber began to rape her, and at no point consented to her confinement. Mr. Haber continued to confine Ms. Gleicher despite her attempts to flee and verbal demands that he stop.

73. Mr. Haber's criminal conduct was the direct and proximate cause of Ms. Gleicher's past and future substantial damages, including significant pain and suffering, lasting psychological and pecuniary harms, extreme emotional distress, loss of dignity and self-esteem, and invasion of privacy.

74. Ms. Gleicher's claim for false imprisonment is timely under the Adult Survivors Act, N.Y. C.P.L.R. § 214-j.

PRAYER FOR RELIEF

WHEREFORE, Ms. Gleicher respectfully requests that the Court:

- i. Award Ms. Gleicher compensatory damages in an amount to be determined at trial;
- ii. Award Ms. Gleicher punitive and exemplary damages in an amount to be determined at trial; and
- iii. Award Ms. Gleicher pre- and post-judgment interest, costs, and such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: New York, New York
November 28, 2022



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**Admission Pending*

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